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Attorney for Defendant KEVIN CALDERA

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(Oakland Venue)

UNITED STATES OF AMERICA,	)	Case No. 05-712-CW
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER MODIFYING BRIEFING
vs.	)	SCHEDULE
	)	
KEVIN CALDERA,	)	
	)	Hearing Date: September 11, 2006
Defendant.	)	Time: 2:00 p.m.
	)	Judge: Hon. Claudia Wilken

Plaintiff, United States of America and defendant Kevin Caldera, by and through their respective counsel of record, hereby agree and stipulate that the briefing schedule set by the Court on April 17, 2006 should be amended to allow defendant additional time to review discovery, in light of some additional discovery (disks which the government provided but may have become damaged), the status of which only just came to the attention of counsel. The government is in the process of obtaining new copies of the missing computer disks and will provide them as soon as they are available. Under the original briefing schedule, all dispositive motions were to be filed by June 26, 2006. The hearing is currently set for September 11, 2006 at 2:00 p.m. The proposed modifications to the briefing schedule do not alter the hearing date.

The parties agree that an additional thirty days is required in the interests of justice to allow counsel to prepare. Counsel for defendant will be out of the state on vacation

1 between July 20 and July 27, so an additional week is sought. The parties request the Court  
2 to enter an order adopting the following briefing and hearing schedule:

3 Defendant's Motions Due: August 2, 2006

4 Government's Response Due: August 25, 2006

5 Defendant's Optional Reply Brief Due: September 5, 2006

6 Hearing on Motions: September 11, 2006

7 The parties agree to an exclusion of time under the Speedy Trial Act, because  
8 failure to grant the requested continuance would unreasonably deny defense counsel  
9 reasonable time necessary for effective preparation, taking into account the exercise  
10 of due diligence, and would deny continuity of counsel. Therefore, the parties agree  
11 that the Court shall order that the Speedy Trial clock shall be tolled for the reasons  
12 stated above from this date through September 11, 2006, pursuant to the Speedy Trial  
13 Act, 18 U.S.C. §3161 (h)(1)(F) and (h)(8)(B)(iv).

14 IT IS SO STIPULATED:

15  
16 DATED: June 8, 2006

/S/ Suzanne A. Luban  
SUZANNE A. LUBAN,  
Counsel for Defendant Cooper

17  
18  
19 DATED: June 8, 2006

/S/ Lewis A. Davis<sup>1</sup>  
LEWIS A. DAVIS  
Assistant United States Attorney  
Counsel for Plaintiff

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26 <sup>1</sup>I hereby attest that I have on file all holograph signatures for any signatures  
indicated by a "conformed" signature (/S/) within this efiled document.

27 /S/ Suzanne A. Luban  
SUZANNE A. LUBAN  
28 Counsel for Defendant Cooper

1 For Good Cause Shown, IT IS SO ORDERED, and the Court finds that the Speedy  
2 Trial exclusions stated above are proper, and that the interest of justice is served by this  
3 continuance for the reasons stated above..

4  
5 Dated: 6/12, 2006



HON. CLAUDIA WILKEN  
U.S. District Judge